

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

JOHN JOEY MARKS,

Petitioner,

v.

CALVIN JOHNSON, *et al.*,

## Respondents.

Case No. 2:17-cv-01413-JCM-PAL

## ORDER

In this habeas corpus action, after a 90-day initial period and a 21-day extension of time, the respondents were due on May 13, 2021, to file an answer. See Order entered January 22, 2021 (ECF No. 63) (90 days for answer); Order entered April 29, 2021 (ECF No. 66) (21-day extension of time).

Respondents did not file their answer by the May 13 deadline. On May 14, 2021, Respondents filed a motion for extension of time (ECF No. 67), requesting a further 8-day extension, to May 21, 2021. Respondents' counsel states that the extension of time—and apparently also the filing of the motion for extension of time after the expiration of the deadline—is necessary because of a personal medical emergency. The Court finds that Respondents' motion for extension of time is made in good faith and not solely for the purpose of delay, and there is good cause for the extension of time requested. The Court also finds that Respondents' counsel has shown excusable neglect for filing the motion for extension of time after the expiration of the deadline to be extended. See LR IA 6-1(a) ("A request [to extend time] made after the expiration of the specified period will not be granted unless the movant or attorney demonstrates that

1 the failure to file the motion before the deadline expired was the result of excusable  
2 neglect.”).

3 **IT IS THEREFORE ORDERED** that Respondents’ Motion for Enlargement of  
4 Time (ECF No. 67) is **GRANTED**. Respondents will have until and including May 21,  
5 2021, to file their answer.

6 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further  
7 proceedings set forth in the order entered October 18, 2019 (ECF No. 41) will remain in  
8 effect.

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10 DATED May 17, 2021.

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13 JAMES C. MAHAN,  
14 UNITED STATES DISTRICT JUDGE  
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